

IEPA Log No.: **C-0500-15**
CoE appl. #: **CEMVR-OD-P-2015-1202**

Public Notice Beginning Date: **November 2, 2016**
Public Notice Ending Date: **December 2, 2016**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Rock River Environmental Services – 5450 Wansford Way, Suite 201, Rockford, IL 61109

Discharge Location: Near New Milford in Sections 31 and 32 of Township 43N, Range 2E of the 3rd P.M. in Winnebago County.

Name of Receiving Water: General Use Waters

Project Description: Proposed 222 acre land fill expansion permanently impacting 15.39 acres of wetland and temporarily impacting 1.91 acres of wetlands.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Darren Gove at 217/782-3362.

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The applicant proposes to permanently impact 15.39 acres of low quality emergent, scrub-shrub, and forested wetland in association with the construction of a 222-acre landfill expansion project. An additional 1.91 acres of low quality wetland will be temporarily impacted by the construction activities.

The Winnebago Landfill has been in operation since 1972. It serves 13 counties in northern Illinois and 2 counties in southern Wisconsin. The purpose of the project is to provide an additional 38,843,000 tons of capacity at the existing landfill which will satisfy almost 10 percent of the projected demand for solid waste disposal in the service area during the next 29 years. The Winnebago Landfill is strategically located and has operated successfully at this location for over 4 decades.

Currently, the majority of 222 acres of property slated for the landfill expansion and ancillary structures is in agricultural row crop production. In addition, a small acreage in the southwest corner contains residential buildings and lots which are under the control of Rock River Environmental Services. Several small pasture areas used for livestock grazing are also part of the project area.

Information used in this review was obtained from the applicant in a document entitled, Joint Application for the Winnebago Landfill East Expansion Project, dated August 5, 2015.

Identification and Characterization of the Affected Water Body.

A total of 14 emergent and scrub-shrub wetlands (14.57 acres) and 6 farmed wetlands (0.82 acres) are located within the proposed site boundaries. Approximately 15.39 acres of wetland will be permanently impacted and 1.91 acres of wetland will be temporarily impacted by land grading activities. The low quality wetland plant communities are comprised primarily of a mix of common native and non-native plant species including boxelder (*Acer negundo*), silver maple (*Acer saccharinum*), black willow (*Salix nigra*), hackberry (*Celtis occidentalis*), green ash (*Fraxinus pennsylvanica*), American elderberry (*Sambucus Canadensis*), sandbar willow (*Salix interior*), pale dogwood (*Cornus obliqua*), reed canary grass (*Phalaris arundinacea*), stinging nettle (*Urtica dioica*), garlic mustard (*Alliaria petiolate*), and late goldenrod (*Solidago gigantea*).

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The pollutant load increases that would occur during this project include possible increases in suspended solids. Soil erosion and sediment controls will be implemented under a Stormwater Pollution Prevention Plan developed in compliance with the Clean Water Act permitting requirements for construction site activities. Stormwater from the operating landfill will not be discharged into surface waters but will be maintained and reused onsite for dust control at the

landfill. The 15.39 acres of permanent wetland impacts caused by construction of the landfill will be mitigated by purchasing mitigation credits from an approved mitigation bank. The applicant proposes to mitigate wetlands at an overall 1.6:1 ratio with scrub shrub wetland impacts being mitigated at a 3:1 ratio. The applicant will purchase in advance of wetland impacts 16.913 credits from the approved Kilbuck Creek I wetland mitigation bank. The remaining required 7.657 credits will be purchased in advance of wetland impacts from an approved wetland mitigation bank operating in the same service area as the East Expansion Unit. The 1.91 acres of temporary wetland impacts caused by construction of the offsite stormwater conveyance will be mitigated in accordance with the applicant's Wetland Restoration Plan submitted to the Agency on October 28, 2016. Wetlands impacted by the construction of the proposed stormwater swale to convey offsite precipitation will be restored within the swale in their approximate original location.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids, from the construction activities, will be local and temporary. All permanent wetland impacts will be mitigated by the purchase of wetland credits at an overall 1.6:1 ratio from approved wetland mitigation banks.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Winnebago Landfill has been in operation since 1972, and it serves 13 counties in northern Illinois and 2 counties in southern Wisconsin. The purpose of the project is to provide an additional 38,843,000 tons of capacity at the existing landfill which will satisfy almost 10 percent of the projected demand for solid waste disposal in the service area during the next 29 years.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

Wetland impacts were avoided and minimized to the extent practicable while achieving the purpose and need of the project. An alternatives analysis found no viable alternative to the proposed expansion configuration. Wetland impacts are unavoidable due to the size and location of the expansion footprint and the required ancillary structures. Wetlands are found scattered throughout the project area and 17.97 acres of these wetlands were avoided. Avoidance of all wetlands was impractical and infeasible for a landfill expansion design at the current location. The position and configuration of the landfill expansion on the property does not allow for expansion of the landfill in any other direction. No suitable new greenfield sites were located by Rock River Environmental Services. Several alternative configurations on the existing expansion property also provided no feasible alternative to the preferred alternative.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities.

On March 4, 2015, the IDNR EcoCAT web-based tool was used and indicated that there were endangered/threatened species present and presence of Illinois Natural Area Inventory (INAI) sites in the vicinity of the discharge. IDNR evaluated the submittal and determined that impacts to the protected resources are unlikely. IDNR terminated the consultation request on April 16, 2015.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the draft permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by providing an additional 38,843,000 tons of capacity at the existing landfill. Comments received during the NPDES permit public notice period will be evaluated before a final decision is made by the Agency.